

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOMMY LAQUADE STEWART,

Petitioner,

v.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No.: 2:21-cv-01490-APG-BNW

ORDER

In this habeas corpus action, brought pursuant to 28 U.S.C. § 2254 by Tommy Laquade Stewart, an individual incarcerated at Nevada's High Desert State Prison, the Court issued a scheduling order on September 23, 2021 (ECF No. 9). In accordance with the scheduling order, Stewart, represented by appointed counsel, filed a first amended habeas petition (ECF No. 10) on November 22, 2021.

On that same date, November 22, 2021, Stewart also filed a motion for leave to file a second amended habeas petition (ECF No. 11). Stewart explains in the motion that he filed his first amended petition on November 22, 2021, believing the applicable limitations period expired on November 26, 2021, but his counsel wishes to further investigate the case and file a second amended petition following the further investigation. On December 2, 2021, Respondents filed a response to Stewart's motion, stating that they do not oppose the motion (ECF No. 12).

Good cause appearing, I will grant Stewart's motion, and set a schedule for him to file a second amended petition, and for Respondents to respond to the second amended petition.

In granting Stewart's motion, I express no opinion regarding the date on which any limitations period applicable to this case expired or will in the future expire. Furthermore,

1 nothing in this order is meant to extend, or otherwise affect in any manner, any limitations period
2 applicable to this case.

3 I THEREFORE ORDER that Petitioner's Motion for Leave to File a Second Amended
4 Petition (**ECF No. 11**) is **GRANTED**. Petitioner will have until and including April 8, 2022, to
5 file a second amended petition for writ of habeas corpus. Respondents will have 90 days to
6 respond to the second amended petition. In all other respects, the schedule for further
7 proceedings set forth in the order entered September 23, 2021 (ECF No. 9) will remain in effect.

8 I FURTHER ORDER that Respondents will not be required to respond to Petitioner's
9 first amended habeas petition.

10 Dated: December 3, 2021

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14 ANDREW P. GORDON
15 UNITED STATES DISTRICT JUDGE
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